



U.S. Department
of Transportation
**Research and
Special Programs
Administration**

AUG 7 2003

400 Seventh St., S.W.
Washington, D.C. 20590

Dr. Jean-Francois Matte
Chemist
Baultar Composite, Inc.
101, Principale Sud
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Ref. No. 02-0156

Dear Dr. Matte:

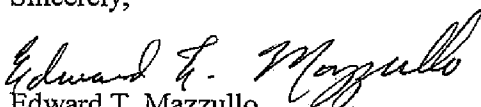
This is in response to your letter requesting verification that the Department of Transportation (DOT) will recognize changes in the Canadian Transportation of Dangerous Goods Regulations, Clear Language Edition, for hazardous materials ground shipments from Canada to the United States or through the United States to Mexico under the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180). We apologize for the delay in responding and hope it has not caused any inconvenience. Specifically, you reference two (2) exceptions for ground transportation as follows:

- 500 kg or less (art. 1.16, Canadian "Plain Language" TDG)
- Limited quantities (art. 1.17, ditto).

As provided in § 171.12a(b), a hazardous material that is classed, marked, labeled, placarded, described on a shipping paper, and packaged in accordance with the Transportation of Dangerous Goods (TDG) Regulations issued by the Government of Canada (GOC) may be offered for transportation and transported to or through the United States by motor carrier or rail car. It should be noted that § 173.12a does not apply to U.S. domestic transportation of a hazardous material. The reciprocity provisions of § 173.12a apply only to shipments that originate in Canada, and to return shipments of empty bulk packagings containing residues that were originally imported into the United States. Note also that such shipments must conform to the conditions and limitations in paragraphs (b)(1) through (b)(18) of § 171.12a. Paragraph (b)(2) states that a material regulated under the HMR that is not regulated under the TDG must be transported in accordance with the HMR. Thus, if the TDG except certain quantities from regulation that are not also excepted under the HMR, then you may not use the TDG exceptions for transportation to the United States.

I hope this information is helpful. If we can be of further assistance, do not hesitate to contact us.

Sincerely,


Edward T. Mazzullo
Director, Office of Hazardous
Materials Standards



020156

171.12a

BAULTAR
COMPOSITE

Foster
§ 171.12 (a)
Import + Export Shipments
02-0156

Windsor, May 14th, 2002.

Mr. Edward T. Mazzullo,
Director, Office of Hazardous Materials Standards,
U.S. DOT / RSPA (DHM-10),
400, 7th Street S.W.
Washington, DC
20590-0001
USA

Dear Sir,

Re: Recognition by the DOT of the exemptions specified by the Canadian TDG

As you may know, Canadian regulations for transportation of hazardous materials are about to change (August, 2002). These changes include Two exceptions for Ground Transportation, both involving much less stringent requirements for identification, documentation and packaging of hazardous materials:

- 500 kg or less (art. 1.16, Canadian "Plain Language" TDG)
- Limited quantities (art. 1.17, ditto)

Will DOT be recognising these Two exceptions for ground shipments from Canada to or via the US (i.e. bound for Mexico)? According to CFR 49, art. 171.12(a), I think it should be recognised. I have therefore sent an E-mail to DOT, which verbally confirmed this by telephone. However, I would like to obtain, from yourselves, a written confirmation to that effect, hence this letter.

Regards,



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